

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 25TH SEPTEMBER 2007 / 3RD ASWINA 1929

Bail Appl..No. 5756 of 2007()

CRIME NO.298/07 OF PALODE POLICE STATION

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: PETITIONERS/ACCUSED NOS.2 & 3

1. SARAVANAN@ KOCHUKUTTAN,
S/O. SASIDHERAN NAIR,MANPURATHU PUTHEN VEEDU,
CHENCHERI MOOZHY,ANAD MURI,THENNOOR VILLAGE.
2. SYAMNATH @ VALIYAKUTTAN,
S/O. SASIDHERAN NAIR,MANPURATHU PUTHEN VEEDU
CHENCHERI MOOZHY,ANAD MURI,THENNOOR VILLAGE.

BY ADV. SRI.T.A.UNNIKRISHNAN
SRI.K.SATHEESH KUMAR

RESPONDENTS: COMPLAINANT

STATE OF KERALA REP. BY
PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 25/09/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R.BASANT, J

B.A.No.5756 of 2007

Dated this the 25th day of September, 2007

ORDER

Application for regular bail. Petitioners are accused 2 and 3. Altogether there are 5 accused persons. The 1st accused has already been arrested on 17.08.07. Accused Nos.4 and 5 have not been apprehended yet. The petitioners surrendered on 31.08.07. They continue in custody from that date.

2. The crux of the allegations is that on account of a prior incident between the 1st accused and the defacto complainant about splashing of muddy water by the 1st accused who drove his motorcycle carelessly, there was a dispute between the parties and later, on the same day, after making prior preparations, the accused-5 in all, allegedly mounted an attack on the defacto complainant who was riding a motorcycle. Torch and iron rod were allegedly used for the commission of the crime. Fairly serious injuries have been suffered by the victims - 2 in number. The allegations are raised under Sections 308 & 326 I.P.C. Called upon to explain the nature of the injuries which makes the injuries grievous u/s 320 I.P.C, the learned Public Prosecutor submits that wound certificates or the records do not reveal how the allegation under Section 326 I.P.C is raised.

3. The learned counsel for the petitioners prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied that the petitioners can now be enlarged on bail subject to appropriate terms and conditions.

4. In the result, this application is allowed. The petitioners shall be released on bail on the following terms and conditions.

i) The petitioners shall execute a bond for Rs.50,000/- (Rupees Fifty thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The petitioners shall make themselves available for interrogation before the Investigating Officer between 10 a.m and 12 noon on all Mondays and Fridays for a period of two months and thereafter as and when directed by the Investigating Officer in writing to do so;

iii) The petitioners shall not, during the said period of two months, enter the jurisdiction of Palode Police Station without the prior permission of the learned Magistrate except for the purpose of complying with condition No.ii.

(R.BASANT, JUDGE)

rtr/-

